**Summary of Proposal**

The applicant is proposing to incorporate the subject property, containing .45 acre of land, to the adjacent Harpers Mill subdivision, established with zoning case 02SN0209, and subsequently amended with zoning cases 14SN0534 and 17SN0557. Five (5) additional single family lots are proposed to be added into the existing subdivision which are to be developed generally in accordance with the aforementioned zoning case requirements.
Recommendations

PLANNING COMMISSION - APPROVAL

STAFF - APPROVAL
Staff recommends approval. No adverse impacts and anticipated and the request brings the Property into the adjacent existing residential zoning case.

NOTES FOR THE PLANNING COMMISSION AND BOARD OF SUPERVISORS
1. Conditions may be imposed, or the property owner may proffer conditions.
2. Proffered conditions have been submitted by the applicant.
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Comprehensive Plan – Land Use Plan Designation

The Comprehensive Plan designates the Property for Suburban Residential I, which suggests the Property is appropriate for residential development at a maximum density of 2.0 dwellings per acre.

Proposal

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02SN0209: On December 17, 2003 the Board of Supervisors, upon a favorable recommendation from the Planning Commission, approved rezoning the subject property, a 1,196.2-acre tract (of which the request property will be incorporated into) from Agricultural (A) to Residential (R-12) with conditional use planned development to permit exceptions to ordinance requirements. A mixed-use development with various types of residential housing, commercial and office uses was planned, known as Harpers Mill. Conditions of zoning limited residential development to a maximum of 2,392 dwelling units and proposed conditions of zoning require elevated design elements such as sidewalks, street trees, street lighting, landscaping, and open space/common areas for certain types of residential dwellings (cluster residential, cluster residential condo, residential townhouse or multifamily residential).

14SN0534: On January 22, 2014, the Board of Supervisors, upon a favorable recommendation from the Planning Commission, approved an amendment of conditional use planned development (Case 02SN0209) relative to transportation improvements, transportation density, access, lighting, setbacks, and lot sizes in a Residential (R-12) District. Specifically, the proposed amendments increased maximum transportation development density at build-out; modified transportation improvements based upon proposed maximum densities, as identified in a new traffic analysis; delayed timing of some required road improvements; permitted a temporary emergency access to Beach Road; increased freestanding lighting height for playfields; and reduced minimum lot sizes and setbacks for cluster residential development.

17SN0557: On April 26, 2017, the Board of Supervisors, upon a favorable recommendation from the Planning Commission, approved an Amendment of conditional use planned development (Case 02SN0209) relative to road cash proffers. Specifically, the amendment request proposed the elimination of cash proffers in lieu of off-site road improvements.
Figure 1, below, illustrates the subject property and conceptual layout.
Supplemental Analysis

Budget & Management
County finance staff is responsible for managing the finances of the County and making recommendations to the County Administrator regarding the allocation of available resources for the provision of services and capital facilities to serve the citizens of the County. Finance staff will advise the County Administrator if changed economic circumstances require adjustments to the County’s budget or capital improvement program.

Community Enhancement
No comment on this request.

Environmental Engineering
1. The subject property is located within the Upper Swift Creek Watershed.
2. A Natural Resource Inventory was completed for the subject property as part of a previous zoning case. There are no Resource Protection Areas, wetlands, or floodplains with the limits of the property. Most all soil types on-site exhibit moderate erosion potential.
3. To address water quality concerns in the watershed, enhanced erosion and sediment control measures above those required by state regulations shall be provided, which include the use of super silt fence or an approved alternative; sediment traps and basins at least 25% larger than the minimum state standard; and the application of Anionic Polyacrylamide (PAM) or an approved equivalent to denuded areas during construction and final stabilization.
   a. The applicant has offered Proffered Condition 5 to address this impact.
4. The development of the property will be subject to the Part IIB technical criteria of the Virginia Stormwater Management Program Regulations.

Fire & Emergency Medical Services

Service Area
The Winterpock Fire Station, Company Number 19

Additional Information
This request will have minimal impacts on Fire & Emergency Medical Services.

Libraries

Nearby Facilities – Clover Hill Library (3.4 miles)
1. While all county libraries could be potentially impacted by the proposed development, the Clover Hill Library is the closest library facility to the Property.
2. The Public Facilities Plan suggests the Clover Hill library should be expanded/replaced or a new facility shall be constructed in the general vicinity at or near current site. Land for expansion of this facility has been acquired.
3. The plan additionally recommends a new library in the vicinity of Otterdale Road and Hull Street Road to address service gap and demand issues related to increases in population anticipated in this area of the county. Land for expansion or replacement of this facility or new facility has not been acquired.
This property is not on the County Bikeways and Trails and is not anticipated to have impacts on parks in this area.

### Police

<table>
<thead>
<tr>
<th>Division</th>
<th>Beat</th>
<th>District</th>
</tr>
</thead>
<tbody>
<tr>
<td>Swift Creek</td>
<td>37</td>
<td>Matoaca</td>
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**Additional Information**

This request is anticipated to have minimal impacts on Police.

### Schools

This application is for a single-family development containing a maximum of five (5) single family dwelling units. Minimal impact to schools, potential student yield of two (2) to four (4) students, no additional review is necessary at this time.

### Transportation - County Department of Transportation

The applicant is requesting to rezone the subject property (approximately 0.5 acre) and incorporate as part of the Harpers Mill Development, which traffic impacts have been addressed through previous zoning case 02SN0209, which was subsequently amended by Cases 14SN0534 (revised road improvements and phasing) and 17SN0557 (delete cash proffers and address impacts with 14SN0534 road improvements). Case 14SN0534 requires the applicant to: 1) widen a section of Otterdale Road, south of Route 360, from two to four lanes (completed); 2) widen a section of Hampton Park Drive, south of Route 360, from two to four lanes; 3) construct two extensions of a two-lane road for Harpers Mill Parkway; and 4) construct a two-lane extension of Otterdale Road to Beach Road (completed). The estimated cost of constructing the road improvements per Case 14SN0534 is $20,511,100. It should be noted, however, that the actual cost to provide these improvements could be more or less than this amount.

In order to develop the subject property, it will need to be incorporated into property previously rezoned as part of the referenced zoning cases above. Staff considers that the traffic impact of the proposed request will be addressed by completion of the required road improvements associated with Case 14SN0534; therefore, the BOS’ Road Cash Proffer Policy would be addressed through off-site road improvements. Staff supports the request.

### Transportation - Virginia Department of Transportation

The zoning case is a local matter regarding rezoning of the property and has no direct impact to the state right of way. VDOT has no comment at this time.

### Utilities – Water and Wastewater

1. Use of the public water and wastewater systems was proffered under case 02SN0209 and 14SN0534.
2. The inclusion of the 0.45-acre parcel into the Harpers Mill development will not impact the public water and wastewater systems.
3. The Utilities Department supports this request.
Public Hearing

Planning Commission
12/21/2021: Citizen Comments: No citizens spoke to the request.

Recommendation: APPROVAL WITH CONDITIONS
Motion: Sloan  Second: Hylton
AYES: Freye, Owens, Hylton, Petroski, Sloan
**Proffered Conditions (12/2/2021)**

Staff Note: Both the Planning Commission and Staff recommend approval with the following proffered conditions agreed to by the applicant:

**Incorporation of Additional Land into 02SN0209 (as amended by 14SN0534 and 17SN0557):**

The zoning, proffers, textual statement (if any) applicable to the land set forth in Case 02SN0209 (as amended by Case 14SN0534 and 17SN0557) shall be applicable to the land that is the subject of this rezoning request. As a result, the parcel description submitted with Case 02SN0209 (as amended by Case 14SN0534 and 17SN0557) is hereby revised to include GPIN 7186630980 (0.45 acre), and this expanded parcel description shall be made a part of Case 02SN0209 (as well as Case 14SN0534 and 17SN0557), and the land that is the subject of this request shall be bound by the zoning, proffers, textual statement (if any) set forth in Case 02SN0209 (as well as Case 14SN0534 and 17SN0557).

**Additional Proffer Applicable Only to the Land that is the Subject of this Request:**

1. **Density.** The maximum number of dwelling units permitted on the Property shall be 5.

2. **Environmental Engineering.**
   a. Super Silt Fence, or an alternative as approved by the Department of Environmental Engineering, shall be provided as a perimeter control in locations where standard silt fence would have been required.
   b. Sediment traps and sediment basins sized at least 25% larger than the minimum Virginia Erosion and Sediment Control Handbook’s standard shall be provided.
   c. Anionic PAM, Flexible Growth Medium and/or a County-approved equivalent shall be applied to denuded areas during construction and at final stabilization in the locations shown on plans approved by Environmental Engineering at the time of plans review.
Case Contacts

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District Planning Commissioner
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